

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DEBORAH HARRIS JIVIDEN,

Plaintiff,

v.

Civil Action No. 2:10-0237

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

The court has received the Proposed Findings and Recommendation ("PF&R") of United States Magistrate Judge Mary E. Stanley entered on November 18, 2010, relating to the Commissioner's request for judgment on the pleadings and plaintiff's motion to remand.

The magistrate judge recommends that the court reverse the Commissioner's final decision, remand the claim for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g), and dismiss this matter from the court's docket. Neither party has objected to the magistrate judge's PF&R.

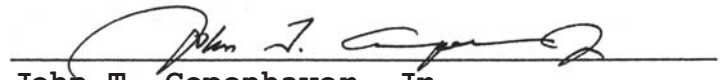
Based upon the foregoing, the court, accordingly,
ORDERS as follows:

1. That the PF&R be, and it hereby is, adopted by the court and incorporated herein;

2. That plaintiff's motion to remand be, and it hereby is, granted;
3. That the Commissioner's request for judgment on the pleadings be, and it hereby is, denied; and
4. That the final decision of the Commissioner be, and it hereby is, reversed and this claim is remanded to the Commissioner for further proceedings pursuant to the fourth sentence of 42 U.S.C.A. § 405(g), which proceedings shall include development and consideration of the matters raised by the magistrate judge at pages 12 to 16 of her Proposed Findings and Recommendation.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record.

DATED: December 14, 2010


John T. Copenhaver, Jr.
United States District Judge